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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,782	08/27/2001	Jason D. Alie	18360/218130	2833

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EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,782

Applicant(s)

ALIE ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The Applicant amended Claims 1-3, 8-9, 21, 25, and 35-36 and added Claim 37. All pending Claims 1-37 were examined in this Final Office action.

Response to Arguments

Applicant's arguments filed 25 June 2003 regarding rejection under 35 USC 101 is persuasive. Rejection under 35 USC 101 is withdrawn.

Applicant's arguments filed 25 June 2003 regarding rejection under 35 USC 102 and 35 USC 103 have been fully considered but they are not persuasive.

The Applicant:

- amended and argued the delivery, payment and information system are independent of both the purchaser and the seller.

Tozzoli et al. discloses an international trade system comprising independent participants comprising buyers, sellers, carriers, buyers' brokers, insurers, and banks (please see at least Fig. 4; col. 4, lines 50-55). Prior Art Figure 1 shows independent buyers, sellers, freight carriers, and an issuing bank not associated with the paying bank (please see at least Fig 1; col. 1, line 5 through col. 2, line 67).

- argued cash on delivery versus letter of credit use.

Tozzoli et al. implement a letter of credit throughout the system and will transfer purchased goods to a carrier for delivery based on the guarantee Letter of Credit. Tozzoli et al. also support payment to the seller at time of shipment (cash on delivery) (please see at least col. 9, lines 31-49).

- argued the system of Tozzoli et al. not capable of holding the goods at an intermediate location until payment is made.

Tozzoli et al. teach an automated trade system linking buyers, sellers, carriers, buyers' brokers, insurers, and banks; and shipment to an immediate location (carrier in country S to buyer's broker in country B); and by example a method of notifying the carrier to hold the shipment (embargo example). Tozzoli et al. teach all participants being connected via telecommunications links well known in the arts and further discloses use of electronic mail to communicate with trade system participants. This examiner interprets the embargo example cited in the Office Action as being equally applicable to a situation where the shipment has already reached the buyer's broker (an intermediate location)- if the carrier can be notified to hold a shipment due to an important event like an embargo, so too can the broker be notified of an equally important event that payment has not been completed and to "hold shipment." Furthermore, if the system can communicate in such a way to place

a shipment on hold it would require a mechanism for releasing the shipment else theoretically the shipment would stay at the intermediate location forever.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1. Claims 1-17, 21-33, and 35-37 are rejected under 35 USC 102(b) as being anticipated by Tozzoli et al. (patent number 5,717,989).**

Tozzoli et al. teach all the limitations of Claims 1-17, 21-33, and 35-37. For example, Tozzoli et al. disclose an international delivery service system and method capable of delivering goods from a first location to an intermediate location, a payment system capable of receiving funds from a purchaser's funds account and transmitting payment verification information, and an information system configured to receive buyer, seller, and delivery service instructions (please see at least abstract; Figs. 1-4; col. 1, line 5 through col. 4, line 32). Tozzoli et al. disclose releasing authorized goods to a buyer (see at least Fig. 3c (920, 930); col. 17, lines 1-7), notifying a carrier to hold a shipment (see at least col. 17, lines 33-36), and providing delivery verification (see at least col. 17, lines

9-15). Tozzoli et al. further disclose currency conversion, value-of-goods information, and a transaction reference number for each purchase order (see at least col. 10, lines 43-65; col. 11, line 29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2. Claims 18-20, 34 are rejected under 35 USC 103(a) as being unpatentable over Tozzoli et al. (patent number 5,717,989), in view of Official Notice regarding use of industry standard global communications networks.**

Tozzoli et al. teach all the above as noted under the 103(a) rejection and further teach the use of securing industry networks, gateways, and other types of communication networks with RSA, but do not specifically disclose the Internet. This examiner takes the position that Tozzoli et al. substantially teach the use of communication networks to connect global users and therefore the Internet would provide to one of ordinary skill in the art an opportunity to standardize on communication protocols and use of the World Wide Web for industry standard

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graphical user interfaces. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to adopt technological advancements as taught by Official Notice, in order to more fully realize the potential of the global full service trade system, and thereby attract Internet users to the service site.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final

communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

RMP
September 3, 2003


WYNN W. COGGINS
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